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Attorney for Plaintiff Doug Eckstein

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DOUG ECKSTEIN

Plaintiff,

v.

CREDIT CONTROL SERVICES,
INC. d/b/a CREDIT
COLLECTION SERVICES

Defendant.

Civil Action No. 3:17-cv-2916

**COMPLAINT FOR VIOLATION OF FAIR
DEBT COLLECTION PRACTICES ACT,
TELEPHONE CONSUMER PROTECTION
ACT AND ROSENTHAL FAIR DEBT
COLLECTION PRACTICES ACT**

DEMAND FOR JURY TRIAL

I.

PRELIMINARY STATEMENT

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (hereafter the "FDCPA"), the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. §§ 227, et seq. and the Rosenthal Fair Debt Collection Practices Act Cal. Civ. Code § 1788 et seq. ("RFDCPA"), and other common law claims. These laws prohibit debt collectors from engaging in abusive, deceptive, and unfair collection practices.

1 10. Throughout the month of April 2017 through the present,
2 Defendant's representatives placed repeated harassing debt collection calls to
3 Plaintiff's cellular telephone, from numbers including, but not limited to (866)
4 303-6832, (877) 505-4630, (877) 281-7695, (866) 232-7419, and (866) 237-0925.

5 11. Notwithstanding the above, on or about April 13, 2017, Plaintiff
6 advised Defendant's representatives that the debt did not belong to him. Plaintiff
7 attempted to request that Defendant's representatives refrain from contacting him
8 on his cellular phone but Defendant's representatives disconnected the calls before
9 Plaintiff could do so.

10 12. Notwithstanding the above, Defendant contacted Plaintiff on
11 Plaintiff's cellular phone multiple times on April 11, 2017, April 12, 2017, and
12 April 18, 2017.

13 13. Defendant acted in a false, deceptive, misleading and unfair manner
14 by contacting a non-debtor on more than one occasion.

15 14. Defendant acted in a false, deceptive, misleading and unfair manner
16 by misrepresenting the amount, character or legal status of a debt.

17 15. Defendant acted in a false, deceptive, misleading and unfair manner
18 by threatening to take action that cannot be legally taken and/or is not intended to
19 be taken.

20 16. Defendant acted in a false, deceptive, misleading and unfair manner
21 by engaging in any conduct the natural consequence of which is to harass,
22 oppress, or abuse any person in connection with the collection of a debt.

23 17. Defendant acted in a false, deceptive, misleading and unfair manner
24 by using unfair or unconscionable means to collect or attempt to collect a debt.

25 18. Defendant knew or should have known that its actions violated the
26 FDCPA, TCPA and the RFDCPA. Additionally, Defendant could have taken the
27 steps necessary to bring its agents' actions within compliance of these statutes, but

1 neglected to do so and failed to adequately review those actions to insure
2 compliance with said laws.

3 19. At all times pertinent hereto, Defendant was acting by and through its
4 agents , servants and/or employees, who were acting within the scope and course
5 of their employment, and under the direct supervision and control of the
6 Defendant herein.

7 20. At all times pertinent hereto, the conduct of Defendant as well as its
8 agents, servants and/or employees, was intentional, willful, reckless, negligent and
9 in wanton disregard for federal and state law and the rights of the Plaintiff herein.

10 21. As a result of Defendant's conduct, Plaintiff has sustained actual
11 damages, including, but not limited to injury to Plaintiff's reputation, invasion of
12 privacy, damage to Plaintiff's credit, out-of-pocket expenses, emotional and
13 mental pain and anguish, embarrassment, humiliation, damage to reputation and
14 pecuniary loss and will continue to suffer same for an indefinite time in the future,
15 all to her great detriment and loss.

16 **V.**

17 **COUNT 1 – VIOLATIONS OF THE FDCPA**

18 22. Plaintiff incorporates the foregoing paragraphs as though the same
19 were set forth at length herein.

20 23. Defendant is a "debt collector" as defined by 15 U.S.C. § 1692a(6) of
21 the FDCPA..

22 24. Plaintiff is a "consumer" as defined by 15 U.S.C. § 1692a(3) of the
23 FDCPA.

24 25. The above contacts between Defendant and Plaintiff were
25 "communications" relating to a "debt" as defined by 15 U.S.C. § 1692a(2) and
26 1692a(5) of the FDCPA.

40. As a result of the above violations of the RFDCPA, CCS is liable to Plaintiff in the sum of Plaintiff's statutory damages, actual damages and attorney's fees and costs.

JURY TRIAL DEMAND

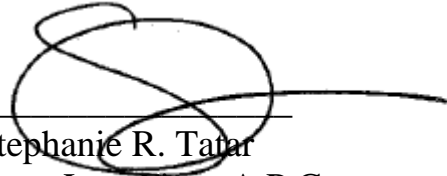
IX.

PRAYER FOR RELIEF

- (a) Actual damages;
- (b) Statutory damages;
- (c) Treble damages;
- (d) Punitive damages;
- (e) Costs and reasonable attorney's fees; and
- (f) Such other and further relief as may be just and proper.

1 Dated: May 18, 2017

Respectfully submitted,

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